

REMARKS

Claims 1 – 16 were pending in this application.

Claims 2, 4, 7, 10, 11, and 14-16 were cancelled.

Claims 1, 3, 8, 12 and 13 are amended.

I. 35 USC 112 Rejections

The Examiner has objected to the wording of Claims 1-7 under 35 USC 112, second paragraph. The Examiner has stated that the word “chess” is indefinite, being that there is more than one type of chess game in the world.

The applicant refers to chess being played with “standard chess rules’ (Page 15, line 4) . Each player is provided with a full set of chess pieces, which include a king, a queen, two bishops, two nights, two rook and eight pawns. (page 8, lines 7-11).

Clearly, a person skilled in the art will recognize that the applicant is referring to traditional western chess that follows the game rules of the U.S. Chess Federation. Such rules being found online at www.uschess.org.

Understanding the Examiner’s point, the applicant has amended the claims to refer to “traditional western chess” rather than just “chess”.

The applicant has also amended the specification on page 15, line 4. Standard chess rules are now defined as those set forth by the U.S. Chess Federation. Since this point is clear and obvious from context of the application, no new matter has been added.

In view of the above, all pending claims are now believed to stand in proper form under 35 USC 112.

II. 35 USC 102(b) Rejections

The Examiner has rejected Claims 1-7 under 102(b) as being anticipated by U.S. Patent No. 3,610,626 to Nolte.

Claim 1 sets forth a method of playing a board game. The first listed step is providing the game board. The game board includes both a chessboard area of sixty four squares and a

secondary area of squares.

Multiple players are provided with sets of traditional western chess game pieces that include a king, queen, two bishops, two knights, two rooks and eight pawns. The multiple players play a first game on the game board with the chess game pieces until all but two remaining players are eliminated from play. With only two players remaining, the players are provided with the option, during a turn at play, to either move chess game pieces from the secondary area of the game board to the chessboard area, or move a chess game piece within the chessboard area. The remaining players play traditional western chess against one another with the chess game pieces that enter the chessboard area, until there is a single winner.

The Nolte patent discloses a chess variant game that allows the size of the chess board to be selectively increased or decreased to accommodate the chessmen of multiple player. However, in Nolte game, the chessmen play by the rules of traditional western chess at all times and at all points on the board. This differs significantly from the methodology of play set forth by the present invention.

In the method of play set forth in Claim 1, chess is only played within the chessboard area of the game board when only two players remain. Chess is played using only the chess pieces that have been moved into the chessboard section of the game board. The player can therefore use a turn at play to move an outside chess piece toward the chessboard, or play chess with a chess piece that is already within the chessboard section.

The Nolte patent makes no disclosure of players playing a first game until only two players remain, and then reverting to chess.

The Nolte patent also makes no disclosure of playing chess only within a specific area of the game board with only the pieces that enter that area of the game board.

It is clear that the Nolte patent does not disclose or suggest any method of play such as that set forth set forth in Claim 1. Consequently, the Nolte patent fails to anticipate the matter set forth in Claim 1. It is therefore requested that the 35 USC 102 rejection as applied to Claim 1 and its dependent claims be withdrawn

The Examiner has rejected Claims 8 and 10-13 under 35 USC 102(b) as being unpatentable over U.S. Patent No. 4,570,939 to Tourville.

The rejected claims contain one independent claim, which is Claim 8. Claim 8 has been amended is believed to be distinguishable over the Tourville patent as is explained below.

Claims 8 sets forth a board game assembly. The game board has a plurality of areas on it. The game board also has play spaces that extend throughout the plurality of areas.

Additionally, on the game board is a chessboard area consisting of sixty-four play spaces arranged in eight columns and eight row. The chessboard area extends through all of the plurality of areas of the game board.

Each of the multiple players gets a set of traditional western chess game pieces. The game also includes placement cards that are provided to the players at the beginning of the game and identifying where players should place said chess game pieces for the start of a game.

The Tourville patent shows a board game with a space motif. Although part of the Tourville game board does have a checkerboard pattern, the Tourville game board does not define a specific chessboard area. Furthermore, the Tourville patent makes no mention of the use of traditional chess game pieces.

The Tourville patent also clearly states that the players begin at a starting space on the board and advance from that space by rolling dice. See Tourville, column 4, paragraph entitled "First Moves".

The Tourville patent does not utilize any type of placement cards that are used at the beginning of a game to identify where a player is to place there playing pieces on the board. Since the Tourville pate does not show the game board being claimed, the playing pieces being claimed or the placement cards being claimed, it is clear that the Tourville patent does not anticipate the game assembly called for by Claim 8. It is therefore requested that the 35 USC 102 rejection as applied to claim 1 and its dependent claims be withdrawn.

III. 35 USC 103(a) Rejections

The Examiner has rejected Claim 9 under 35 USC 103(a) as being unpatentable in view of Tourville in further view of British Patent No. GB2139510 to Temple.

Claim 9 depends from Claim 8. The matter of Claim 8 differentiates from the Tourville patent for the reasons previously presented.

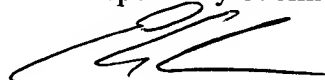
The Temple patent discloses a board game with a solar system motif that has property ownership cards. The Temple patent makes no disclosure concerning a game with a defined chessboard area or the use of chess pieces to play chess. The Temple patent also has no mention of placement cards used to position pieces at the start of the game. Thus, the Temple patent does not address the deficiencies of the Tourville patent as applied to the matter of Claim 8. The combined Tourville and Temple references therefore fail to disclose the matter of Claim 8 and its dependent claims.

The Examiner is therefore respectfully requested to withdraw the 35 USC 103 rejection as applied to Claim 8 and its dependent claims.

IV. SUMMARY

Having fully distinguished the pending claims over the cited art, this application is believed to stand in condition for allowance. However, if the Examiner is of the opinion that such action cannot be taken, the Examiner is requested to call the applicant's attorney at (215) 321-6772 in order that any outstanding issues may be resolved without the necessity of issuing a further Office Action.

Respectfully Submitted,



Eric A. LaMorte
Reg. No. 34,653
Attorney For Applicant

LaMorte & Associates
P.O. BOX 434
Yardley, PA 19067